

## **REMARKS**

Claims 1 - 37 are pending in the application. Claims 6, 23, 27, 31, 32, 36 and 37 are allowed. Claims 12-14, 17, 21, 22, 24-26, 28-30 and 33 stand allowable, but are objected to as being dependent upon a rejected base claim. Claims 1-3, 5, 7-10, 15, 16, 18-20, and 34-35 stand finally rejected. The Examiner's rejections are addressed in substantially the same order as in the referenced office action.

### **Explanation of Amendments**

Claims 1, 10, 34, and 35 are canceled without prejudice to Applicant's right to recapture the subject matter in a later application or acquiescence by Applicant that the art of record is relevant to the canceled claims.

Claims 4, 11, 17, 25, 21, 28-30, and 33 are rewritten in independent form.

Claims 2, 3, 5, 7 and 8 are amended to depend from rewritten claim 4.

Claim 5 is further amended to remove "a controller coupled to the sensor module for controlling the operation of the apparatus" as being unnecessary in view of the limitations of rewritten claim 4.

Claims 14-16, and 18-20 are amended to depend from rewritten claim 11.

### **Response to Previous Amendment**

Applicant appreciates that the Examiner has withdrawn objections to the specification and claims and has withdrawn the previous rejection of claims rejected under 35 U.S.C. § 112. Applicant notes that the Examiner has not issued a further rejection of claims 4 or 11. Therefore, Applicant respectfully submits that claims 4 and 11 now rewritten in independent form are allowable.

### **35 U.S.C. § 102**

Claims 3, 15 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,255,962 to *Tanenhaus et al.* ("Tanenhaus").

Again, Applicant notes that all rejections and objections to claims 4 and 11 have been overcome in the previous action as noted by the Examiners withdrawal of the objections and express withdrawal of the rejection under 35 U.S.C. § 112. Applicant further submits that the Examiner has not stated any ground for rejection of claims 4 and 11, and that the claims are not rejected in the current office action.

Rejected claim 3, as amended, depends from rewritten claim 4. Rejected claims 15 and 18 now depend from rewritten claim 11. Therefore, Applicant respectfully submits that the claims are allowable over the art of record for at least the same reasons as stated for claims 4 and 11.

### **35 U.S.C. § 103**

Claims 1, 2, 5, 7, 10, 16, 34, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,255,962 to *Tanenhaus et al.* ("Tanenhaus") in view of U.S. Patent 6,075,754 *VanZandt et al.* ("VanZandt").

Rejected claims 1, 10, 34 and 35 are canceled. Rejected claims 2, 5 and 7 now depend from rewritten claim 4. Rejected claim 16 now depend from rewritten claim 11.

Applicant submits that the remaining claims are not obvious in view of the art of record for at least the same reasons as base claims 4 and 11.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,255,962 to *Tanenhaus et al.* ("Tanenhaus") in view of U.S. Patent 6,075,754 *VanZandt et al.* ("VanZandt") and further in view of U.S. Patent 6,028,817 to *Ambs* ("Ambs").

Rejected claim 8 now depends from rewritten claim 4, and claim 9 now has rewritten claim 4 as a base claim. Applicant respectfully submits that these claims are allowable for the same reasons as stated for base claim 4.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,255,962 to *Tanenhaus et al.* ("Tanenhaus") in view of U.S. Patent 6,075,754 *VanZandt et al.* ("VanZandt") as applied to claim 10 in view of publication WO 98/14800 to *Orban et al.* ("Orban").

Rejected claims 19 and 20 now depend from rewritten claim 11. Applicant respectfully submits that claims 19 and 20 are not obvious in view of the proposed combination or any combination of art of record for at least the same reasons as base claim 11.

### **Allowable Subject Matter**

Applicant appreciates that claims 6, 23, 27, 31, 32, 36 and 37 are allowed. Applicant further appreciates that claims 12-14, 17, 21, 22, 24-26, 28-30 and 33 are considered allowable. Applicant submits that the amendments discussed above the basis for the objection. Therefore, Applicant respectfully requests withdrawal of the objection.

### **Conclusion**

For all of the foregoing reasons, applicant submits that the claims are allowable over the art of record. A check in the amount of \$ 1114.00 is submitted herewith for the RCE, and in payment of the fees associated with this amendment. The Commissioner is hereby authorized to charge any additional fee due and to credit any overpayment to **Deposit Account No. 13-0010 (IO-1008US)**.

Respectfully submitted,

  
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